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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/309,372
Filing Date: May 11, 1999
Appellant(s): LASSESEN, KENNETH M.

William Klein
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 02/08/2008 appealing from the Office action mailed 02/21/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or having a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of invention contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection is correct.

(7) Claims Appendix

The copy of the appeal claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is listing of the evidence relied upon in the rejection of claims under appeal:

-	Flanagan et al.	US 6,993,471	Jan 31, 2006
-	Kennelly et al.	US 6,559,861	May 6, 2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Flanagan et al.** (U.S. Patent No. 6993471, filed 11/1995) in view of **Kennelly et al.** (U.S. Patent No. 6559861, filed 03/09/1999).

As to claim 6:

Flanagan teaches a method of providing an electronic file (e.g., online documents from the World Wide Web/ the Web document retrieved by the browser 88) to a user (e.g., the user 84) [see fig. 8 and col. 5, lines 1-17] comprising the steps of:

at a receiving computer (e.g., user's PC 84):

- receiving the electronic file from a sending computer (e.g., online documents from the World Wide Web/ the Web document retrieved by the browser 88) [see fig.8 and col. 5, lines 1-16];
- allowing a user (e.g., the user 84) to select (e.g., selects) a language (e.g., the desired target language) in which at least a portion of the electronic file is to be displayed (e.g., then displays) [see fig.8 and col. 5, lines 1-16];
- inserting the translation obtained from the electronic file into a translated file (e.g., HTML document (88) in language X is translated

into HTML document (90) in language Y by machine translation system 80) [see fig.8 and col. 5, lines 1-16]; and

- displaying the translated electronic file to the user (e.g., then displays for the user 84 the translated document 90) [see fig.8 and col. 5, lines 1-16].

Flanagan does not specifically teach "assigning to at least one word in the electronic file a plurality of identifiers, wherein each identifier corresponds to a one of a plurality respective translations in the electronic file for the at least one word; and using an identifier from the plurality of identifiers, wherein the identifier corresponds to the language selected by the user, to obtain, from the respective translations in the electronic file, a translation, in the language selected by the user for the at least one word."

Kennelly teaches assigning to at least one word in the electronic file a plurality of identifiers, wherein each identifier corresponds to a one of a plurality respective translations in the electronic file for the at least one word (e.g., displays each of the available languages in a drop down menu box 218 of page 208... down menu box 218 of page 208 presents all available languages); and using an identifier from the plurality of identifiers, wherein the identifier corresponds to the language selected by the user, to obtain, from the respective translations in the electronic file, a translation, in the language selected by the user for the at least one word

(e.g., when a user accesses system 10 and selects an Administrator page 208 (FIG. 7), logic within the management object that produces page 208 causes management object request processor 156 (FIG. 4) to traverse language directories 204, 205, 206 and determine which languages are available to the user. Each time the user selects Administrator page 208, management object request processor 156 reads all the subdirectories under root directory 220 and looks for the existence of corresponding data files 220en, 220jp, 220fr, e.g., language.txt. The data files 220en, 220jp, 220fr contain information regarding the corresponding languages. When management object request processor 156 locates a language.txt file in a subdirectory, processor 156 presumes that system 10 supports the corresponding language. Subsequently, system 10 displays each of the available languages in a drop down menu box 218 of page 208. (FIG. 7) Drop down menu box 218 presents all available languages in the selected language, e.g., English. Alternatively, drop down menu box 218 may present each available language in that language, e.g., drop down menu box 218 could present the English option in the English language and the Japanese option in the Japanese language. The user can select the desired language in box 218, e.g., with a mouse. If the user selects a new language other than the default language (step 302), such as Japanese) [see fig.7 and the discussion beginning at col.7, line 9 and col.9, line 4].

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Flanagan with Kennelly because it would have allowed non-English speaking Internet user to access and understand information available from the World Wide Web and related sources.

As to claim 7:

Flanagan teaches the electronic file is an HTML document (e.g., HTML language X/ HTML language Y; see fig. 8).

As to claim 8:

Flanagan teaches the translation for said at least one word is stored in a data structure on a server (e.g., a Web Server; see fig. 8).

As to claim 9:

Flanagan teaches the data structure is an array (e.g., see the HTML data structure discussion, beginning at col.4, line 40).

As to claim 10:

Flanagan teaches a Web browser displays the HTML document to the user (e.g., The Web browser 82 then displays for the user 84 the translated document 90; col.5, lines 12-15).

As to claim 11:

Flanagan teaches the translated HTML document is provided to the user via the Internet (e.g., the World Wide Web; see the Abstract and fig. 8).

As to claim 12:

Flanagan teaches a plurality of words in the HTML document are assigned a plurality of identifiers (e.g., French if the user speaks French; col.5, lines 1-16).

As to claim 13:

Flanagan teaches a plurality of phrases in the HTML document are assigned a plurality of identifiers that correspond to said translation (e.g., machine translation is integrated into a Web browser... allow the user 84 to rapidly and automatically translate online documents from the World Wide Web 86 into his native language... The user 84 of the multilingual browser 82 selects the desired target language, (e.g. French if the user speaks French), and the Web document retrieved by the browser 88 may be rapidly translated on-the-fly with a mouse click; col.5, lines 1-16).

As to claim 1:

The rejection of claim 6 above is incorporated herein in full.

Flanagan does not specifically teach "a first plurality of phrases, wherein each phrase of the first plurality of phrases is expressed in a plurality of languages; and a second plurality of phrases that are expressed in the language selected by the user."

Kennelly teaches a first plurality of phrases, wherein each phrase of the first plurality of phrases is expressed in a plurality of languages; and a second plurality of phrases that are expressed in the language selected by the user (e.g., system 10 displays each of the available languages in a drop down menu box 218 of page 208. (FIG. 7) Drop down menu box 218 presents all available languages in the selected language, e.g., English. Alternatively, drop down menu box 218 may present each available language in that language, e.g., drop down menu box 218 could present the English option in the English language and the Japanese option in the Japanese language. The user can select the desired language in box 218, e.g., with a mouse. If the user selects a new language other than the default language (step 302), such as Japanese, system 10 executes HTML script of page 208 and overrides the existing parameters 222) [see fig.7 and the discussion beginning at col.7, line 9 and col.9, line 4].

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Flanagan with Kennelly because it would have

allowed non-English speaking Internet user to access and understand information available from the World Wide Web and related sources.

As to claim 2:

Flanagan teaches the electronic file is received at the use's computer via the Internet (e.g., documents available on the WWW and displayed by browser; col.2, lines 18-61).

As to claims 3 and 4:

Refer to the discussions of claims 7 and 10 above, respectively, for rejections.

As to claim 5:

Flanagan teaches the Web browser translates at least a portion of the HTML document into the language selected by the user (e.g., machine translation is integrated into a Web browser... allow the user 84 to rapidly and automatically translate online documents from the World Wide Web 86 into his native language... the Web document retrieved by the browser 88 may be rapidly translated on-the-fly with a mouse click; col.5, lines 1-16).

(10) Response to Arguments

Beginning on page 5 of the brief, Appellants argue the following issues, which are accordingly addressed below.

Regarding independent claim 1:

Appellant argues that Flanagan does not teach "receiving the electronic file at the user's computer, wherein the electronic file's content includes a first plurality of phrases, wherein each phrase of the first plurality of phrases is expressed in a plurality of languages and has a meaning that is different than the meanings of other phrase of the first plurality of phrases regardless of the language in which said each phrase is expressed... at the user's computer, selecting, for display to the user, from the first plurality of phrases, a second plurality of phrases that are expressed in the language selected by the user" [see argument, pages 6 and 7].

The examiner disagrees.

Firstly, Applicant is arguing against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F. 2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F. 2d 1091, 231 USPQ 375 (Fed. Cir.1986). Applicant obviously attacks references individually without taking into consideration based on the teaching of combinations of references as shown

above. The rejection above shows how the combination of Flanagan and Kennelly meets the claim limitations.

Secondly, in the Office Action, the examiner mapped each claimed limitation to specific element(s) and/or relevant passages in the Flanagan and Kennelly references to show how the references meet the claim limitations. Applicant in response did not provide any underlying analysis as to why the portions of the prior art relied on did not support the examiner's position.

The combination of Flanagan and Kennelly is used to teach the claimed limitations.

Flanagan teaches receiving the electronic file (e.g., the web document retrieved) at the user's computer (e.g., user's PC 84) [see Flanagan: Fig.8 and col.5, lines 1-16] and at the user's computer (e.g., user's PC 84), selecting (e.g., the user 84 selects the desired target language), for display to the user (e.g., then displays to the user) [see Flanagan: Fig.8 and col.5, lines 1-16].

Kennelly teaches the electronic file's content includes a first plurality of phrases, wherein each phrase of the first plurality of phrases is expressed in a plurality of languages and has a meaning that is different than the meanings of other phrase of the first plurality of phrases regardless of the language in which said each phrase is expressed (e.g., system 10 displays each of the available languages in

a drop down menu box 218 of page 208. (FIG. 7) Drop down menu box 218 presents all available languages in the selected language, e.g., English. Alternatively, drop down menu box 218 may present each available language in that language, e.g., drop down menu box 218 could present the English option in the English language and the Japanese option in the Japanese language. The user can select the desired language in box 218, e.g., with a mouse. If the user selects a new language other than the default language (step 302), such as Japanese, system 10 executes HTML script of page 208 and overrides the existing parameters 222) [Kennelly: col.9, line 4 – col. 10, line 54]. Also Kennelly teaches selecting, for display to the user, from the first plurality of phrases, a second plurality of phrases that are expressed in the language selected by the user (displays the interface either in a default language or in a language that the user chose and saved during a previous session. Typically, system 10 initially selects English as the default language. The user can select a different language through menu choices displayed on a menu ... if the user selects a language other than the default language, e.g., French or Japanese rather than English, management object request processor 156 proceeds to call the corresponding language data file 212fr or 212jp, i.e., the French or Japanese versions of STR_USER, depending on which language is selected, from the corresponding subdirectories 204, 206, e.g., "/fr_8859" or "/ja_sjis". Thus, when a language other than the default language, e.g., English, is selected, the default subdirectory, e.g., en_8859, provides an overlay that ensures that each variable

is associated with a value. Subsequently, management request processor 156 associates values from the language data files 212, 214 of the selected language subdirectory, e.g., jp_sjis, with the variables) [Kennelly: col. 7, lines 9 – 59].

Regarding dependent claims 2-5:

Applicant did not provide arguments in substance regarding claims 2-5 except for citing the dependencies (see argument, page 7).

Regarding independent claim 6:

Appellant argues that Flanagan does not teach (1) using an identifier from the plurality of identifiers, wherein the identifier corresponds to the language selected by the user, to obtain, from the respective translation in the electronic file, a translation, in the language selected by the user, for said at least one word, (2) receiving the electronic file from a sending computer, and (3) inserting the translation obtained from the electronic file into a translated electronic file [see argument, pages 8 and 9].

The examiner disagrees.

Again, Applicant is arguing against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642F. 2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F. 2d 1091, 231 USPQ 375 (Fed.

Cir.1986). Applicant obviously attacks references individually without taking into consideration based on the teaching of combinations of references as shown above. In the Office Action, the examiner mapped each claimed limitation to specific element(s) and/or relevant passages in the Flanagan and Kennelly references to show how the references meet the claim limitations. Again, Applicant in response did not provide any underlying analysis as to why the portions of the prior art relied on did not support the examiner's position.

Flanagan teaches receiving the electronic file (e.g., the Web document retrieved) from a sending computer (e.g., from the World Wide Web) [see Flanagan: Fig.8 and col.5, lines 1-16]; and inserting the translation obtained from the electronic file into a translated electronic file (e.g., HTML document (88) in language X is translated into HTML document (90) in language Y by machine translation system 80) [see Flanagan: Fig.8 and col.5, lines 1-16]. Kennelly is combined with Flanagan to teach using an identifier from the plurality of identifiers, wherein the identifier corresponds to the language selected by the user, to obtain, from the respective translation in the electronic file, a translation, in the language selected by the user, for said at least one word (e.g., displays each of the available languages in a drop down menu box 218 of page 208... down menu box 218 of page 208 presents all available languages... when a user accesses system 10 and selects an Administrator page 208 (FIG. 7), logic within the management object that produces page 208 causes management object request processor

156 (FIG. 4) to traverse language directories 204, 205, 206 and determine which languages are available to the user. Each time the user selects Administrator page 208, management object request processor 156 reads all the subdirectories under root directory 220 and looks for the existence of corresponding data files 220en, 220jp, 220fr, e.g., language.txt. The data files 220en, 220jp, 220fr contain information regarding the corresponding languages. When management object request processor 156 locates a language.txt file in a subdirectory, processor 156 presumes that system 10 supports the corresponding language.

Subsequently, system 10 displays each of the available languages in a drop down menu box 218 of page 208. (FIG. 7) Drop down menu box 218 presents all available languages in the selected language, e.g., English. Alternatively, drop down menu box 218 may present each available language in that language, e.g., drop down menu box 218 could present the English option in the English language and the Japanese option in the Japanese language. The user can select the desired language in box 218, e.g., with a mouse. If the user selects a new language other than the default language (step 302), such as Japanese) [Kennelly : see fig.7 and the discussion beginning at col.7, line 9 and col.9, line 4].

Regarding dependent claims 7-13:

Applicant did not provide arguments in substance regarding claims 7-13 except for citing the dependencies (see argument, page 10).

Art Unit: 2178

11. Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Maikhanh Nguyen/
Examiner, Art Unit 2176

Conferees:

Doug Hutton (SPE, Art Unit 2176)

/Doug Hutton/
Doug Hutton
Supervisory Primary Examiner
Technology Center 2100

Stephen Hong (SPE, Art Unit 2178)

/Stephen S. Hong/
Supervisory Patent Examiner, Art Unit 2178

Rachna Singh (Primary Examiner, Art Unit 2176)

